IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appln. No.:	10/628,219	Allowed:
Filed :	July 28, 2003	Group Art Unit: 3643
For :	APPARATUS AND METHOD FOR FISHING LINE SPLICING	Examiner: Andre L. Jackson
Docket No.:	58800US002 (M550.12-0030)	

REPLY BRIEF TO THE EXAMINER'S ANSWER

Filed Electronically June 12, 2007

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a reply brief in response to the Examiner's Answer mailed on April 12, 2007.

STATUS OF THE CLAIMS

I. Total number of claims in the application.

	Claims in the application are:	1-18

II. Status of all the claims.

A.	Claims cancelled:	0
B.	Claims withdrawn but not cancelled:	5, 12-13, and 16
C.	Claims pending:	1-4, 6-11, 14-15, and 17-18
D.	Claims allowed:	-
E.	Claims rejected:	1-4, 6-11, 14-15, and 17-18
F.	Claims Objected to:	-

III. Claims on appeal.

The claims on appeal are:	1-4, 6-11, 14-15, and 17-18

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first ground of rejection to be reviewed on appeal is the rejection of claims 1-4, 6-8, 14-15, and 18, which stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 3,857,645 of Klein in view of U.S. Pat. No. 3,988,852 of Klein.

The second ground of rejection to be reviewed on appeal is the rejection of claims 9-11 and 17 , which stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 3,857,645 of Klein in view of U.S. Pat. No. 3,988,852 of Klein and further in view of U.S. Pat. No. 2,784,518 of Boyer.

ARGUMENT

I. Claims 1-4 and 6-8 have been improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 3,857,645 of Klein in view of U.S. Pat. No. 3,988,852 of Klein and the rejection should be reversed.

Claims 1-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 3,857,645 of Klein (hereinafter "Klein I") in view of U.S. Pat. No. 3,988,852 of Klein (hereinafter "Klein II"). For the reasons provided in the Applicants' Appeal Brief mailed on December 6, 2006 and those provided below, Applicants assert that claims 1-4 and 6-8 are patentable over the cited references, and that the rejection therefore should be reversed.

A. The Klein I and Klein II references, alone or in combination, fail to teach or suggest a splice system having a male connector and a female connector of the type recited in claim 1.

Claim 1 is directed toward a splice system for linear connection of fishing lines. The system includes a female connector that is connected to a first fishing line section and a male connector connected to a second fishing line section. The male connector is connected to a second fishing line section on a second end. The first end of the male connector is configured for coaxial insertion into the opening of the female connector. The second end of the male connector comprises a plurality of resilient petals having a radial extent greater than the radial extent of an interior feature of the female connector. The resilient petals of the male connector thus deform to allow passage of the second end of the male connector axially past the interior feature.

In the Appeal Brief submitted by the Applicant on December 6, 2006, Applicants provided a compelling argument for the allowability of claim 1 over the cited references. Applicants reassert each and every argument made in their Appeal Brief and address the assertions made in the Examiner's Answer.

It is asserted on page 4 of the Examiner's Answer that Klein I is a two piece system "just like the present invention since leader L must be tied or knotted at some point." Applicants

respond by asserting that Klein I refers to the combination of components L and H as a "leader-connector combination" that is attached to a line such as line F. (See Klein I, col. 3. ln. 54-55.) Applicants assert that Klein I clearly identifies a one-piece connector denoted by connector head H that is intended to splice the leader L with a fish line F. There is no teaching or suggestion of a connector that has more than the one piece, connector head H.

As asserted in the Appeal Brief, Klein I teaches a one piece fishing line connector head H permanently secured to a leader L. (*See* Klein I, col. 3, ll. 50-54.) A fishing line such as a fly line F is attached to the "unitary structure" that is the combination of connector head H and the leader L. (*See id.* at col col. 3, ll. 54-55; FIG. 1.) Klein I describes the connector head H as a "small cylindrical body which is somewhat cigar-shaped". (*See id.* at col. 3, 61-62.) Numerous alternative examples of a connector head H are shown in FIGs. 7-10. In each case, the connector head (designated as H', H'', or Hb, depending on the embodiment) is made of a single unitary piece of material. There is no teaching or suggestion of a two-piece splice system having a female connector and a male connector each of which can be attached to a piece of fishing line and then attached to each other.

Assuming, *arguendo,* that leader L is a connector of the type recited in claim 1, a point with which the Applicant strongly disagrees and vigorously disputes, the leader L fails to teach or suggest a first end configured for coaxial insertion into the female connector and a second end having resilient petals having a greater radial extent than the radial extent of the interior features, wherein the resilient petals of the male connector deform to allow passage of the second end of the male connector axially past the interior feature. There is no teaching or suggestion that Leader L has a second end that is both connected to a second fishing line (in fact, there is no apparent teaching that either end of leader L is connected to a second fishing line) and has resilient petals of the type recited in claim 1.

Furthermore, Klein II fails to cure the deficiencies of Klein I. Once again, Applicants assert that Klein II reference fails to teach or suggest a two-piece splice system having male and female connectors of the type recited in claim 1. The Klein II reference, like the Klein I reference, teaches a connector that is a single unitary piece of material. In FIG. 1 of Klein II, a

snell S is shown connected to a hook H by a connector C. (Klein II, col. 3, ll. 15-17.) FIGs. 2-5 illustrate a connector, identified as C1, which is a one-piece body. The hook H is a unitary piece of material with a particular shape including a straight portion commonly known as a shank 41 that is inserted into the connector on an end opposite of the snell S. Klein II describes alternative embodiments of the connector C, identified in FIGs. 9-11 and 13 as C2-C5. Nowhere does Klein II teach or suggest a splice system having a female connector attached to a first fishing line section and a male connector attached to a second fishing line section. Rather, Applicants assert that Klein II teaches a snell attached to a hook via a connector body having one piece.

On page 4 of the Examiner's Answer, it is asserted that Klein II has a female connector 45 and 46 and a male connector 41 and 51. Applicants point out that the Examiner has effectively asserted that connector C is a female connector and that hook H is a male connector, as the reference numbers cited on page 4 refer to features of these two components. Applicants asserted in their Appeal Brief that hook H does not have the resilient petals and is not connected to a second fishing line.

In the Examiner's Answer, it is asserted on page 4 that hook H is connected to snell S by virtue of being connected to "female connector" C. Applicants respond that claim 1 recites two fishing line sections and that Klein II teaches only one fishing line section, snell S. Further, neither end of the hook H is connected to the snell S. Instead, Applicants assert that the hook H and the snell S are spliced together, as each of them is connected to the unitary connector C.

The Examiner's Answer also asserts that a fishing line could be attached to the hook H to increase the chances of catching fish. Applicants assert that there is no provision on hook H for any type of connection point at either end of the hook H for such a second line and therefore, it is not obvious to connect a second fishing line to either end of the hook H. The clearly intended use of the apparatus disclosed in Klein II is to splice a hook to a fishing line.

Even if it were the case that Hook H taught a male connector of a splice system, a point that Applicants do not concede and vigorously dispute, the Klein II reference fails to teach a male connector with a second end comprising a plurality of resilient petals having a radial extent

greater than the radial extent of an interior feature of the female connector such that the resilient petals of the male connector deform to allow passage of the second end of the male connector axially past the interior feature. The Examiner's Answer asserts on page 5 that the barb 51 of Klein II has "some degree of resiliency". Applicants assert that even if this were the case, Klein II fails to teach or suggest the feature recited in claim 1 "wherein the resilient petals of the male connector deform to allow passage of the second end of the male connector axially past the interior feature". Klein II provides two different examples, shown in FIGs. 2 and 6, of barbs located on the hook shank. The barbs 51 are described in Klein II (*see id.* at col. 4, ll. 37-50), but nowhere is there any mention that the barbs 51 are "resilient" or that they "deform" to allow passage of the hook H into the connector C. In fact, the opposite is disclosed in Klein II, that is, that the connector C is made of resilient material and will "stretch" upon insertion of the hook shank. (*See id.* at col. 3, l. 31; col. 4, ll. 29-31.) In addition, the barbs 51a of FIG. 6 are disclosed to be arranged in a "helical pattern" so that the hook shank can be turned into the connector C as if the "barbs 51a constituted threads. In this construction, the barbs 51a will cut a thread-like slit in the connector...." (*Id.* at col. 4, ll. 61-65.) Applicants assert that if the barbs were "resilient petals" they would deform and therefore not cut a slit-like pattern into the connector C. Thus, this construction provides additional support for the assertion that the hook does not have resilient petals that deform to allow passage. Furthermore, the barbs that extend into the connector C are not located at the second end of the Hook H or on the second end of the shank 41. Shank 41 extends out of the connector C (*see id.* at FIG. 1). Even if the shank 41 were considered to be a male connector and the barbs on the shank 41 were considered to be resilient petals, the barbs 51 are not located on a second end of the shank 41.

For these reasons and for the reasons asserted in the Appeal Brief, Applicants assert that the claim 1 and its dependent claims, 2-4 and 6-8 are allowable over the references of record. Therefore, Applicants request that the rejection be overturned.

B. Klein I and II, alone or in combination fail to teach or suggest a splice system having a male connector wherein the male connector

has a head at the first end and a plurality of petals at the second end of the type recited in claim 4.

Applicants asserted the independent patentability of claim 4 in the appeal brief. The Examiner's Answer provides no apparent response to the assertions in the Appeal Brief in dispute of the Applicants' earlier assertions. Applicants therefore assert that neither of Klein references teaches or suggests the recited features of claim 4 and that claim 4 is independently allowable.

II. Claims 14-15 have been improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein I in view of Klein II and the rejection should be reversed.

Claims 14-15 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Klein I in view of Klein II. Applicants assert that claims 14 and 15 are patentable over the cited references, and that the rejection therefore should be reversed.

Claim 14 is directed toward a method of linear connection of fishing lines, which comprises providing a female connector and a male connector. The female connector is connected on a first end to a first fishing line section and the male connector is connected on a second end to a second fishing line section. The female connector has a second end having an opening therein with a coaxial interior feature having a radial extent. The method includes inserting the male connector into the opening of the female connector and moving resilient petals on a second end of the male connector axially past the interior feature of the female connector such that the resilient petals deform radially inwardly while moving axially past the interior feature.

As discussed above with respect to claim 1, Applicants assert that neither Klein reference provides any teaching or suggestion of a splicing method that includes providing a female connector attached to a first fishing line section and a male connector attached to a second fishing line section and inserting the male connector into the female connector. Klein I and Klein II, alone or in combination provide no teaching or suggestion of a method incorporating a male and a female connector to join two fishing line sections together and to assert that they do is

clearly erroneous. The assertions made above with respect to claim 1 addressing the Examiner's Answer, as relevant, are incorporated herein and are applied to the subject matter of claim 14. For the reasons asserted in the Appeal Brief and herein, Applicants assert that independent claim 14 is patentable over the Klein I and Klein II references and the rejection of claim 14 and its dependent claim 15 be reversed.

III. Claim 18 has been improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein I in view of Klein II and the rejection should be reversed.

Claim 18 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Klein I in view of Klein II. Applicants assert that this rejection is clearly erroneous, that claim 18 is patentable over the cited references, and that the rejection therefore should be reversed.

As discussed above with respect to independent claims 1 and 14, neither of the Klein I nor the Klein II references teaches or suggests a two-piece splice system having male and female portions each attached to one of first and second fishing line sections wherein the male portion is inserted into the female portion. Therefore, for the reasons asserted in the Appeal Brief and herein, the Applicants assert that claim 18 is allowable over the proposed combination of the Klein I and the Klein II references. Withdrawal of the rejection is hereby requested.

IV. Claims 9-11 have been improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein I in view of Klein II and further in view of U.S. Pat. No. 2,784,518 of Boyer and the rejection should be reversed.

Claims 9-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Klein I in view of Klein II and further in view of Boyer. Applicants assert that claims 9-11 are patentable over the cited references, and that the rejection therefore should be reversed. Claims 9-11 depends indirectly or indirectly from independent claim 1, which as is asserted above, is allowable over the cited art. Applicants assert that, based upon their dependency on an allowable claim, claims 9-11 are likewise allowable. Therefore, Applicants assert that the rejection was made in error and should be overturned.

V. Claims 17 has been improperly rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein I in view of Klein II and further in view of Boyer and the rejection should be reversed.

Claims 17 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Klein I in view of Klein II and further in view of Boyer. Applicants assert that this rejection is clearly erroneous and should be reversed. Claim 17 depends indirectly from claim 14, which as is asserted above, is allowable over the cited art. Applicants assert that, based upon its dependency on an allowable claim, claim 17 is likewise allowable.

In summary, Applicants believe that claims 1-4, 6-11, 14-15, and 17-18 are allowable for the reasons asserted above. Applicants thus request that the rejection of claims 1-4, 6-11, 14-15, and 17-18 be reversed and that claims 1-4, 6-11, 14-15, and 17-18 be allowed.

Respectfully submitted,

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